



81 Main Street, Suite 215 | White Plains, NY 10601
Tel: 914.686.4800 | Fax: 914.686.4824

MICHAEL W. FREUDENBERG, PARTNER
mfreudenberg@homlegal.com

February 6, 2020

Via ECF

Hon. Analisa Torres
United States District Judge
United States District Court-SDNY
500 Pearl Street
New York, NY 10007

Re: Sydney Hyman v. Andrew Fabbri and Jessica Cohen
Case No. 19-civ. 10506 (AT)

Dear Judge Torres:

We represent Plaintiff Sydney Hyman (“Plaintiff” or “Hyman”) in this matter. Your Honor has set today as the deadline for the parties to submit a joint letter and proposed Civil Case Management Plan and Scheduling Order in advance of the Pretrial Conference before Your Honor currently scheduled for February 13, 2020 at 10:40 a.m.

Plaintiff hereby submits as Exhibit A the attached proposed Civil Case Management Plan and Scheduling Order. The reason we are not submitting a joint letter along with Defendants’ counsel (David Kasell, Esq.) is that Defendants are requesting a stay of discovery pending resolution of Plaintiff’s Order to Show Cause. Plaintiff does not consent to a stay of discovery. I spoke with Mr. Kasell this afternoon and he will be submitting a separate letter to the Court today setting forth Defendants’ position on the proposed Civil Case Management Plan and Scheduling Order.

Pursuant to Paragraph 5 of the Court’s form Civil Case Management Plan and Scheduling Order, discovery shall not be stayed pending the Court’s decision on any motion (“**The Court will not stay discovery pending its decision on any motion**”). On January 3, 2020, Plaintiff filed an Order to Show Cause seeking:

- a) a default judgment as to liability be entered against Defendants Andrew Fabbri and Jessica Cohen (a/k/a Jessica Fabbri) pursuant to Federal Rules of Civil Procedure (“FRCP”) 55; Local Civil Rule 55.1, and Rule 16.1 of the Electronic Case Filing Rules & Instructions;
- b) directing an inquest hearing on damages; and

Hon. Analisa Torres
United States District Judge
United States District Court-SDNY
February 6, 2020
Page 2

- c) in the alternative, extending Plaintiff's time to serve the Summons and Amended Complaint in this action by 60 days, and authorizing Plaintiff to effect service of the Summons and Amended Complaint on Defendants Andrew Fabbri and Jessica Cohen (a/k/a Jessica Fabbri) by certified mail to their last known address at 53 Oxford Landing, Weehawken, New Jersey 07086 (and if the certified mail is not accepted by Defendants), by first class mail, and to their attorney of record in this action by ECF.

A hearing has been scheduled by the Court on such application on February 19, 2020, at 2:00 p.m. It is respectfully requested that Plaintiff's proposed Civil Case Management Plan and Scheduling Order be approved by the Court with the same or similar discovery deadlines as set forth therein. Plaintiff does not consent to a stay of discovery in this matter, as requested by Defendants.

Thank you in advance for your kind attention to this matter.

Respectfully submitted,

s/Michael W. Freudenberg

Michael W. Freudenberg

MWF:sbt
Enc.

cc: Counsel for Record (w/enc.), via ECF